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**FAX COVER SHEET**

**DATE:** August 23, 2007

**TO:** Examiner Jessica L. Laux, Group Art Unit 3635

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**FROM:** Kathleen M. Harleston

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**THIS IS PAGE ONE OF** 11.

**COMMENT:**

Re: Patent Application No. 10/826,753

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PTO/SB/21 (04-07)

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/828,753	
	Filing Date	June 12, 2004	
	First Named Inventor	Robert E. Oldtman	
	Art Unit	3635	
	Examiner Name	Jessica L. Laux	
Total Number of Pages in This Submission	10	Attorney Docket Number	3115

ENCLOSURES (Check all that apply)		
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Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	The Harleston Law Firm, LLC		
Signature	<i>Kathleen M. Harleston</i>		
Printed name	Kathleen M. Harleston		
Date	August 23, 2007	Reg. No.	33,398

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Signature	<i>Kathleen M. Harleston</i>		
Typed or printed name	Kathleen M. Harleston	Date	August 23, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attorney Docket No. 3115

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of	)	Examiner: Jessica L. Laux
ROBERT E. OIDTMAN	)	Art Unit: 3635
Application No.	)	10/826,753
Filed	)	April 16, 2004
For	)	BRACKET AND POLE ASSEMBLY

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction/Election Requirement interposed by the Examiner on July 23, 2007, Applicant elects with traverse to prosecute the claimed invention of Group I: Claims 28, 35, and 36. Applicant also requests reconsideration of the requirement that a species be elected for Group I ("combination"). However, if a species election is required, Applicant elects "Species II": heavy duty shaft wall is cylindrical. It is believed that the remaining claims/ "species" are held in abeyance until final disposition of the elected claims/ species. Claims 42-46 are new (see enclosed Preliminary Amendment); all of these new claims are believed to fall within Group I ("combination"). Of those, new Claims 43-45 are believed to be readable upon the elected "species".

The election is made with traverse, which reserves a right to petition. Applicants traverse this restriction/election requirement on the grounds that examination of the groups/species cited would not impose a serious burden on the Examiner. According to

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MPEP §803, there must be a serious burden on the Examiner if restriction is required. It is believed that the amount of searching for the groups/species listed on pages 2 and 3 of the Office action would not be appreciably more than the search required for only one of the groups/species. According to MPEP §803, if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even if the claims are considered to describe independent or distinct inventions. Applicant requests allowance of the claims.

Respectfully submitted,

The Harleston Law Firm, LLC

By: Kathleen M. HarlestonKathleen M. Harleston  
Attorney for Applicant  
Registration No. 33,398

Date: August 23, 2007

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